



6-26-00

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529 Rec'd PCT/PTO 23 JUN 2000

IN THE UNITED STATES PATENT OFFICE



Serial No.: 09/463,801

Filed: January 2, 2000

For: MEDIUM FOR PRODUCING AND/OR  
TREATING ALCOHOLIC BEVERAGES,  
ESPECIALLY WINE OR SPARKLING  
WINE, AS WELL AS ITS APPLICATIONS

Inventor: Holger Lowe  
Rainer Pommersheim

Atty Doc. No.: 678-99

"EXPRESS MAIL" MAILING LABEL NO:  
EK207646372  
DATE OF DEPOSIT June 23, 2000

I HEREBY CERTIFY THAT THIS PAPER IS  
BEING DEPOSITED WITH THE UNITED  
STATES POST OFFICE "EXPRESS MAIL  
POST OFFICE TO ADDRESSEE" SERVICE  
UNDER 37 C.F.R. § 1.10 ON THE DATE  
INDICATED ABOVE AND IS ADDRESSED TO  
THE COMMISSIONER OF PATENTS AND  
TRADEMARKS, WASHINGTON, D.C. 20231.  
NAME OF PERSON MAILING PAPER OR FEE  
Elizabeth Oister

SIGNATURE:

## COVER LETTER

Assistant Commissioner for Patents  
**Box Missing Part**  
Washington, D.C. 20231

Sir:

Enclosed and attached hereto are the following documents for filing in the above-identified patent application:

1. Copies of executed Documents forward to the USPTO March 16, 2000;
2. Copy of Notice of Missing Parts;
3. Letter to Assistant Commissioner for Patents;
4. Express Mail cover letter;
5. Postcard to be date-stamped & returned to Paul & Paul.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES ASSOCIATED WITH THIS COMMUNICATION, OR CREDIT ANY OVERPAYMENT, TO PAUL & PAUL DEPOSIT ACCOUNT NO. 16-0750, ORDER NO. 3560

Respectfully submitted,

John F. McNulty  
Reg. No. 23,028  
Paul & Paul  
2900 Two Thousand Market Street  
Philadelphia, PA 19103  
(215) 568-4900

RECEIVED  
JUL 18 2000  
TECHNOLOGY CENTER 2800

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19 SEP 2000

Legal Staff  
International Division



PATENT

IN THE UNITED STATES PATENT OFFICE

Serial No.: 09/463,801

Filed: January 27, 2000

For: MEDIUM FOR PRODUCING AND/OR  
TREATING ALCOHOLIC BEVERAGES,  
ESPECIALLY WINE OR SPARKLING  
WINE, AS WELL AS ITS APPLICATIONS

Inventor: Holger Lowe  
Rainer Pommersheim

Atty Doc. No.: 678-99

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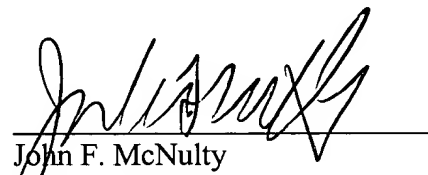
LETTER TO COMMISSIONER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Enclosed is a copy of all papers forwarded to the U.S. Patent and Trademark Office on March 16, 2000 along with a copy of the return postcard date stamped by the Patent Office on March 20, 2000 indicating receipt of the executed Declaration and Power of Attorney along with the surcharge in the amount of \$130.00.

Respectfully submitted,

  
John F. McNulty  
Reg. No. 23,028  
Paul & Paul  
2900 Two Thousand Market St.  
Philadelphia, PA 19103  
(215) 568-4900

RECEIVED  
JUL 18 2000  
TECHNOLOGY CENTER 2800



BEST AVAILABLE COPY

1191

PAUL & PAUL  
2000 MARKET ST., STE. 2900  
PHILADELPHIA, PA 19103

60-7269/2313

Date 3-16-00

Pay to the  
order of

Commissioner of Patents

\$ 130.00

PAUL & PAUL 130 DOLS 00 CTS

Dollars

SOVEREIGN BANK  
SUCCESS IS CONFIDENCE.  
WE CAN HELP YOU GET THERE.

For

678-99

Paul & Paul

⑈001191⑈ ⑆231372691⑆

2041017759⑈

Serial No.: 09/463,801

Filed: January 27, 2000

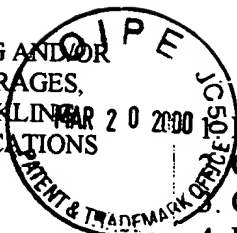
For: MEDIUM FOR PRODUCING AND/OR  
TREATING ALCOHOLIC BEVERAGES,  
ESPECIALLY WINE OR SPARAKLIN  
WINE, AS WELL AS ITS APPLICATIONS

Inventor: Holger Lowe

Rainer Pommersheim

Atty Doc. No.: 678-99

The following paper has been received:



- Executed Dec. POA;  
Ck. \$130.00 of surcharge;  
3. Cov. ltr w/cert. mail;  
4. P&P postcard.

678-99 / JFMcn/eo / 3/16/00 / Order No. 3205

Patent and Trademark Office is respectfully requested to place its

STAMP on this POSTAL CARD and place it in the outgoing mail.

Respectfully,  
John F. McNulty

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JUL 18 2000  
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0414.63801



## UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: Assistant Commissioner for Patents

Box PCT

Washington, D.C. 20231

0694-127

U.S. APPLICATION NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

HOPGOOD CALIMAFDE  
60 EAST 42ND STREET  
NEW YORK NY 10165

5071

PCT/EP98/04726  
INTERNATIONAL APPLICATION NO.

I.A. FILING DATE

PRIORITY DATE

04/28/00

DATE MAILED:



### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

- ☐ a non-English language.  
☐ English.

☒ Translation of the international application into English.

☒ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☒ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 27 JAN 2000 and \_\_\_\_\_

☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed \_\_\_\_\_

☐ Statement Claiming Small Entity Status.

☐ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

- ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

Enclosed: ☒ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703)

Pauline Kidwell  
National Stage Processing  
Paralegal Specialist  
(703) 305-3358 3656

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PAUL & PAUL  
JUN 2 - 2000  
FILE No. 678-99



DOCKETING  
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

DEC. DUG  
5/22/00

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/463801	LOWEL H	678-99
INTERNATIONAL APPLICATION NO.		
PCT/JP99/02888		
I.A. FILING DATE		PRIORITY DATE
31 MAY 99		30 JUL 97
DATE MAILED: 28 APR 2000		

JOHN F MCNULTY  
PAUL & PAUL  
2900 TWO THOUSAND MARKET STREET  
PHILADELPHIA, PA 19103



#### NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

- ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- ☐ does not identify the specification to which it is directed.
- ☐ does not identify the inventor(s).
- ☐ does not identify the citizenship of each inventor.
- ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

- ☐ does not identify the city and state or city and foreign country of residence or each inventor.
- ☐ does not state that the person making the oath or declaration:
  - ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
- ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
- ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

Paulette Kidwell, Paralegal  
Telephone: 703-305-3656

FORM PCT/DO/EO/917 (September 1996)

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526 Rec'd PTO 31 MAR 2000

The following paper has been received:

In re the Application of

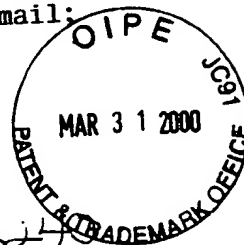
Holger Lowe et al

Serial No. 09/463,801

Filed: Jan. 27, 2000

For: MEDIUM FOR PRODUCING  
AND/OR TREATING  
ALCOHOLIC BEVERAGES  
etc.

*Am*  
Correction of Notification  
of Acceptance of Appln;  
cov.ltr. w/cert.mail;  
P&P postcard.



678-99 / JFMcN/eo / 3/24/00 / Order No. 3240  
Patent and Trademark Office is respectfully requested to place its

STAMP on this POSTAL CARD and place it in the outgoing mail.

Respectfully,

John F/ McNulty

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JUL 18 2000

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**IN THE UNITED STATES PATENT OFFICE**

**PATENT**

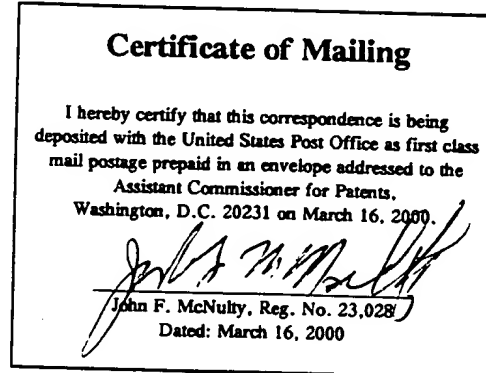
Serial No.: 09/463,801

Filed: January 27, 2000

For: MEDIUM FOR PRODUCING AND/OR  
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ESPECIALLY WINE OR SPARAKLING  
WINE, AS WELL AS ITS APPLICATIONS

Inventor: Holger Lowe  
Rainer Pommersheim

Atty Doc. No.: 678-99



**COVER LETTER WITH CERTIFICATE OF MAILING**

Assistant Commissioner  
for Patents  
**Box Missing Part**  
Washington, D.C. 20231

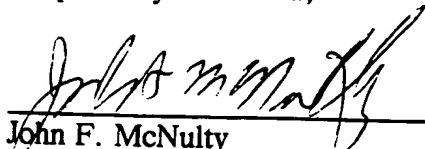
Sir:

Enclosed and attached hereto are the following documents for filing in the above-identified patent application:

1. Executed Declaration and Power of Attorney;
2. Check in the amount of \$130.00 in payment of surcharge;
3. Cover letter with certificate of mailing;
4. Postcard to be date-stamped & returned to Paul & Paul.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES ASSOCIATED WITH THIS COMMUNICATION, OR CREDIT ANY OVERPAYMENT, TO PAUL & PAUL DEPOSIT ACCOUNT NO. 16-0750, ORDER NO. 3205.

Respectfully submitted,

  
John F. McNulty  
Reg. No. 23,028  
Paul & Paul  
2900 Two Thousand Market Street  
Philadelphia, PA 19103  
(215) 568-4900

**RECEIVED**  
MAY 18 2000  
TECHNOLOGY CENTER 2800



**IN THE UNITED STATES PATENT OFFICE**

**PATENT**

Serial No.: 09/463,801

Filed: January 27, 2000

For: MEDIUM FOR PRODUCING AND/OR  
TREATING ALCOHOLIC BEVERAGES,  
ESPECIALLY WINE OR SPARKLING  
WINE, AS WELL AS ITS APPLICATIONS

Inventor: Holger Lowe  
Rainer Pommersheim

Atty Doc. No.: 678-99

**Certificate of Mailing**

I hereby certify that this correspondence is being  
deposited with the United States Post Office as  
first class mail postage prepaid in an envelope  
addressed to the Assistant Commissioner for  
Patents, Washington, D.C. 20231 on

March 24, 2000

John F. McNulty, Reg. No. 23,028

Dated: March 24, 2000

**COVER LETTER WITH CERTIFICATE OF MAILING**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Enclosed and attached hereto are the following documents:

- (1) Correction of Notification of Acceptance of Application  
Under 35 U.S.C. 371 and 37 CFR 1.494 OR 1.495;
- (2) Cover Letter with Certificate of Mailing, and
- (3) Paul & Paul postcard to be returned by PTO.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES ASSOCIATED  
WITH THIS COMMUNICATION, OR CREDIT ANY OVERPAYMENT, TO PAUL & PAUL DEPOSIT ACCOUNT NO.  
16-0750, ORDER NO. 3240.

Respectfully submitted,

  
John F. McNulty

Reg. No. 23,028

Paul & Paul

2900 Two Thousand Market St.

Philadelphia, PA 19103

(215) 568-4900

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MAR 18 2000

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**PATENT**

**IN THE UNITED STATES PATENT OFFICE**

Serial No.: 09/463,801

Filed: January 27, 2000

For: MEDIUM FOR PRODUCING AND/OR  
TREATING ALCOHOLIC BEVERAGES,  
ESPECIALLY WINE OR SPARKLING  
WINE, AS WELL AS ITS APPLICATIONS

Inventor: Holger Lowe  
Rainer Pommersheim

Atty Doc. No.: 678-99

---

***CORRECTION OF NOTIFICATION OF ACCEPTANCE OF  
APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495***

Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Dear Sir:

Please correct the above-identified document as follows:

International Application No. should be PCT/EP98/04726 and the I.A. Filing Date should be  
7/29/98. A copy of the document with the corrections indicated is attached hereto.

Respectfully submitted,



John F. McNulty

Reg. No. 23,028

Paul & Paul

2900 Two Thousand Market St.

Philadelphia, PA 19103

(215) 568-4900

**RECEIVED**

JUL 18 2000

TECHNOLOGY CENTER 2800



## UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark

Address: ASSISTANT COMMISSIONER, JR. PATENTS  
Washington, D.C. 20231

09/463801

U.S. APPLICATION NO

09/463,801

LOWEL

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

678-99

INTERNATIONAL APPLICATION NO

PCT/JP99/02888

PCT/EP98/04726

FILING DATE

05/31/99

PRIORITY DATE

07/30/97

7/29/98

DATE MAILED

03/16/00

JOHN F. McNULTY  
PAUL & PAUL2900 TWO THOUSAND MARKET STREET  
PHILADELPHIA PA 19103RECEIVED  
PAUL & PAUL

MAR 21 2000

FILE No. 678-99

NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371  
AND 37 CFR 1.494 OR 1.495

1. The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as ☒ a Designated Office (37 CFR 1.494), ☐ an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is **ACCEPTED** for national patentability examination in the United States Patent and Trademark Office.

2. The United States Application Number assigned to the application is shown above and the relevant dates are:

27 Jan 2000  
35 U.S.C. 102(e) DATE

27 Jan 2000  
DATE OF RECEIPT OF  
35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371(C) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

3. ☒ A request for immediate examination under 35 U.S.C. 371(f) was received on 27 Jan 2000 and the application will be examined in turn.

4. The following items have been received:

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☒ a non-English language.

☐ English.

☒ Translation of the international application into English.

☒ Oath or Declaration of inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments. ☐ Translation of Article 19 amendments into English.

The Article 19 amendments ☐ have ☐ have not been entered.

☐ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Copy of the Annexes to the International Preliminary Examination Report (IPER).

☐ Translation of Annexes to the IPER into English.

The Annexes ☐ have ☐ have not been entered.

☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_

☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_

☒ Assignment document.

☒ Power of Attorney and/or Change of Address.

☐ Substitute specification filed \_\_\_\_\_

☐ Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

National Stage Processing

Telephone: (703) ~~Paralegal Specialist~~

(703) 305-8421

FORM PCT/DO/EO/903 (December 1997)

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